United Nations S/2006/760

Security Council

Distr.: General
25 September 2006

Original: English

Letter dated 25 September 2006 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit herewith the fifth report of the International Independent Investigation Commission, which was prepared pursuant to Security Council resolutions 1595 (2005), 1636 (2005), 1644 (2005) and 1686 (2006).

The report details progress made by the Commission since its previous report dated 10 June 2006 (S/2006/375) in investigating the assassination of former Lebanese Prime Minister Rafik Hariri and 22 other victims, and in providing technical assistance to the Lebanese authorities in their investigation of certain other attacks perpetrated in Lebanon since 1 October 2004. The report highlights the Commission's steady advancement in its investigations, despite experiencing difficulties in accessing witnesses and information as a result of the conflict in Lebanon.

I wish to thank the staff of the Commission for their dedicated and systematic work in difficult circumstances, particularly in the light of the volatile security situation in Lebanon during the reporting period. I also wish to thank Mr. Brammertz for his continued leadership in advancing the investigation of the attack, and the Government of the Lebanese Republic for its continued support for, and cooperation with, the Commission.

I should be grateful if you would bring this matter to the attention of the members of the Security Council. Meanwhile, I am transmitting the report to the Government of Lebanon.

(*Signed*) Kofi A. **Annan**

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Annex

Fifth report of the International Independent Investigation Commission established pursuant to Security Council resolutions 1595 (2005), 1636 (2005) and 1644 (2005)

Serge Brammertz
Commissioner

Beirut
25 September 2006

Summary

In resolution 1644 (2005) of 15 December 2005, the Security Council requested the International Independent Investigation Commission to report to it on its progress, including on the cooperation received from the Syrian authorities, every three months.

The present report outlines the progress made by the Commission in its investigative activities between 15 June and 15 September 2006. This period was marked by the conflict and unstable security situation in Lebanon, and resulted in the temporary relocation of the Commission to a base in Cyprus on 21 July 2006, as required by the United Nations. All efforts were made to manage the impact of the relocation on the work of the Commission, and operations resumed immediately upon arrival in Cyprus. The gradual process of moving international personnel back to Beirut has started.

While the Commission faced delays and logistical difficulties in accessing witnesses and information as a result of the conflict in Lebanon, these problems were minimized. As a result, progress has been made in all investigative areas, and the Commission continues to investigate systematically and thoroughly all possible leads. The Commission continues to interact closely with the Lebanese authorities on all matters relevant to its mandate and appreciates their support.

The Commission has also continued to provide technical assistance to the Lebanese authorities in their investigation of other attacks perpetrated in Lebanon since 1 October 2004. The expanded mandate given to the Commission by the Security Council in resolution 1686 (2006) has enabled the Commission to take a more proactive role in these cases, resulting in tangible progress both in individual cases and in their potential linkage to each other.

The assistance the Commission receives from States continues to be critical to the progress of the investigation, especially as it develops its more complex investigative themes. The cooperation that the Commission has received from the Syrian Arab Republic has remained generally satisfactory, and the Commission continues to require its full support in providing information and facilitating interviews with individuals located on Syrian territory.

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I. Introduction

1. This report is submitted pursuant to Security Council resolution 1644 (2005) of 15 December 2005, in which the Council requested the International Independent Investigation Commission to report every three months on the progress of its inquiry, and on cooperation matters, including cooperation received from the Syrian authorities. The report accounts for the progress the Commission has made in implementing its mandate, as laid out in Security Council resolutions 1595 (2005), 1636 (2005), 1644 (2005) and 1686 (2006) since its previous report dated 10 June 2006 (S/2006/375).

2. The Commission has continued its investigation into the killing of former Lebanese Prime Minister Rafik Hariri and 22 others (Hariri investigation) and has reinforced the level of technical assistance it provides to the Lebanese authorities in their investigation of certain other attacks perpetrated in Lebanon since 1 October 2004. Although the work of the Commission has been affected by the unstable security situation in Lebanon during the reporting period, and the subsequent need to evacuate the Commission staff to a temporary base in Cyprus, progress has been made in all main areas of the investigations. The Commission continues to interact closely with the Lebanese authorities on all matters relevant to its mandate and appreciates their ongoing strong support, especially in the light of the difficult security situation in Lebanon during the reporting period.

3. In the Hariri investigation, 20 major investigation and analysis projects and themes, subdivided into numerous subprojects, are ongoing. They include investigations of the crime scene and convoy, interviews with key witnesses and sensitive sources, and the investigation and analysis of telecommunications, organizational structures and linkages. Each project is undertaken by a multidisciplinary team of individuals equipped with the appropriate skill sets.

4. While the Commission focused in its last report on the results of its forensic examination of the crime scene and of the blast that killed Hariri and 22 others, in this reporting period it also focused on the investigation of those who participated at different levels in the perpetration of this crime. That elicited further forensic tasks, such as DNA research and analysis; electronic communications and digital devices examination and analysis; fingerprints research and comparative analysis; mobile telephone analysis; and forensic examination of documents.

5. In line with the revised mandate given by the Security Council in resolution 1686 (2006), the Commission has further expanded the technical assistance it provides to the Lebanese authorities in their investigation of certain other attacks perpetrated in Lebanon since 1 October 2004. Specifically, the Commission has focused on three main areas: forensic investigation and analysis, communications analysis and the conduct of interviews. A key component of these activities is to obtain evidence concerning horizontal multiple-case linkage, including any commonalities with the Hariri case. This increased assistance has allowed progress in the investigations of these other cases, with the Commission first concentrating on the cases involving attacks against specific individuals.

6. The assistance of States continues to be necessary to the success of the work of the Commission. During the reporting period, 27 requests for assistance were sent by the Commission to 11 States and entities, in addition to the requests sent to Lebanon. As a result, the Commission has enjoyed broad and detailed assistance

from a number of States in a wide range of investigative and analytical areas. The cooperation of the Syrian Arab Republic with the Commission remains an important component of the ongoing work. Over the past three months it remained generally satisfactory, with regular working level meetings having been held with senior Syrian officials to manage the timeliness of the responses, the facilitation of witness interviews and the provision of information. The Commission has continued to receive the assurances of the Government of the Syrian Arab Republic that all Commission requests will be met in a timely and satisfactory manner.

7. During the reporting period, the Commission continued to develop its internal procedures, as directed by the Security Council in paragraph 6 of its resolution 1595 (2005), and has further standardized its work, notably in the light of the possible establishment of a tribunal of an international character.

8. In view of the extension of the mandate of the Commission until 15 June 2007 by the Security Council in resolution 1686 (2006), the Commission has gradually increased its capacity and resources to meet its significant investigative, legal and analytical obligations, together with developing and maintaining the appropriate security, language services, administration, recruitment and logistics support associated with its mandate. As part of its management tasks, new budget proposals have been prepared and submitted to enable planning continuity and the fulfilment of management objectives.

II. Progress in the investigations

9. During the reporting period, the investigative focus of the Commission in the case of the murder of Mr. Hariri and 22 others was on three main objectives: continuing crime scene and associated work; broadening its knowledge and evidence in relation to the linkage and perpetrator aspects of the case; and developing new projects.

10. As regards the other 14 cases, the Commission began conducting interviews following the expansion of the mandate by the Security Council in June, focusing in the first instance on six of these cases, namely those of targeted attacks. As ever, the imperative remains to achieve realistic results of an evidential standard in the best possible time frame.

11. As in its previous report, the Commission is providing a "snap-shot" of its ongoing work on the different layers of the case, with as much detail as possible, bearing in mind the underlying need to preserve confidentiality and investigative leads.

A. Hariri investigation

1. Crime scene and associated topics

Forensic exploitation of the crime scene

12. Following the Commission's final collection of forensic evidence at the crime scene, completed in June 2006, a number of results have been established that enable further confirmation of the current case theory, regarding the crime scene and

its associated aspects, and provide new investigative leads. The Commission is also establishing a comprehensive forensic inventory and database of all exhibits in the possession of the Lebanese authorities and in the possession of the Commission.

13. A total of 56 exhibits of human remains were found in June 2006, with four other parts found that could not be analysed owing to their condition. The parts were scattered over a large area, with human remains found in all six of the subdivided areas of the crime scene. The DNA analysis conducted on these remains produced 27 mitochondrial DNA profiles and 14 nuclear DNA profiles. Three new independent DNA profiles were extracted from exhibits found at the crime scene, one drawn from blood stains found in the Byblos building and one on the roof of the St. George Hotel annex. The third one has particular significance in that the sample was taken from the key ignition mechanism in the vicinity of the so-called "building 367", adjacent to the Byblos building, which may be relevant to associated evidence close to the blast. The Commission is undertaking steps to ascertain whether these new DNA profiles can be attributed to known injured persons, or represent as yet unidentified persons most likely injured in the explosion.

14. The tooth found on the crime scene during the investigations carried out just after the explosion in 2005 belongs to the same male person whose 27 parts were previously recovered. Odontological examinations showed it is an upper middle right incisor that belonged to a man, possibly in his early 20s, and unlikely to be older than 25, showing a distinguishing mark to the surface of the crown, which is a feature rarely seen among people from Lebanon. Another complete tooth was collected during the recent investigations of the crime scene in June 2006, in the same vicinity where the 27 parts belonging to this person had been found. Further forensic tests are being undertaken to establish, if possible, the regional origin of the person from the examination of the tooth. In addition, five pieces of human remains were also found in the same vicinity, all matching the DNA of the 27 other parts of the same male person, and a number of other bone fragments belonging to a skull were found in the same area. Although they were too burned for DNA profiles to be extracted, the Commission believes that they belong to the same male likely to be the individual who detonated the bomb, and not to another unidentified person.

15. A trajectory analysis of physical and biological exhibits is nearing completion. In order to achieve this goal, a 3D-reconstruction of the crime scene, above and also under the ground, is being finalized and will be linked to the database of the exhibits inventory. The objective of this exercise is to determine the relative location of the carrier of the bomb, i.e. the Mitsubishi van, the seat of the explosion and the location of the male identified as the person who most likely detonated the improvised explosive device (IED). Two other separate and independent series of experiments conducted to assist in the understanding of the properties and associated features of the explosion, the cratering, the explosion fireball, the trajectories of primary and secondary high velocity fragments and their collision with vehicles and buildings have all demonstrated very similar properties to those of the actual blast on 14 February 2005.

16. Documentation and technical information from the Mitsubishi Fuso Truck and Bus Corporation in Japan received recently by the Commission will enable identification of the vehicle parts and metal fragments allegedly originating from the Mitsubishi van collected from the scene of the crime. Similarly, vehicle parts found at this scene should be conclusively identified with the assistance of an external

expert by matching the parts to technical drawings and to identical and fully intact components from an undamaged vehicle of the same production batch, model, make and year.

17. Such potentially key parts as the piece of metal, possibly the roof of a vehicle, retrieved approximately 50 m above the ground from the arm of the crane attached to a building at the crime scene (Byblos building), the ignition key device collected adjacent to the unsafe building (building 367), and the gearing mechanism of a vehicle found embedded in the ground inside the crater, some 40 cm below the surface, will be examined and subjected to the above-mentioned analysis for final identification and assessment of relevance for the case. Other parts, such as those taken from inside the crater, where a further 48 metallic and non-metallic parts or components from a vehicle or vehicles were found, and parts found among the rubble at the crime scene, where a large rear-view mirror and a rear light fragment, together with electrical wiring, number plates, electronic devices and other metallic unidentified fragments were recovered, will also be subjected to final identification and an assessment of their relevance for the case.

Characteristics of the explosion

18. Independent tests carried out in two separate environments conducted earlier in the year, as well as scaling explosion experiments, have corroborated the findings of the Commission with regard to the characteristics and nature of the actual explosion of 14 February 2005, i.e. the Mitsubishi Canter van, carrying a very large bomb of a minimum of 1,200 kg of TNT equivalent most likely detonated by a man (to whom the 32 human parts belong) within or immediately in front of the van. The nature of the fireball, the pressure range, the properties of the carrier, the effects on the surrounding vicinity, including on the impacted vehicles, adjacent buildings and the road, the trajectory findings, the amount of explosives used and the nature and form of the crater have all been corroborated by these experiments. A new hypothesis relating to an aerial delivery means as a method of causing the explosion, advanced to the Commission recently, is being examined for its validity. The Commission is unable at this stage to conclude if it has any impact on its existing findings at the crime scene, which were corroborated by two separate and independent series of tests.

19. The Commission has developed its findings as to exactly how the explosive charge would have been placed in the van to achieve the intended effects, and how the explosives must have been wired to detonate in the manner they did. Experiments conducted with explosive charges packed and laid out in different configurations have led to an understanding of how and where the explosives would have been placed in the Mitsubishi van, and how the detonation of the device would have been effected.

20. In the previous report, the Commission discussed varying possibilities concerning the amount of explosives used in the attack. It suggested that the amount used to produce a crater of the size that was created on 14 February 2005 would be approximately 500 kg of TNT equivalent, if the IED was placed at 1.7 m under the ground; or 1,200 kg of TNT equivalent if placed just above the ground; or 1,800 kg of TNT equivalent if the IED was approximately 0.80 m above the ground. This data has been confirmed by a separate series of experiments relating to the effects of differing explosive amounts packed in differing configurations and detonated at

varying heights above the ground. Once the trajectory analysis, 3D-reconstruction of the crime scene, video analysis and formal identification of all Mitsubishi van parts have been completed, the Commission will be able to establish the height above ground of the IED and, as a consequence, the quantity of explosives used in the IED. Subject to these final results, the Commission estimates that the quantity of explosives would be closer to 1,800 kg than to 1,200 kg.

Convoy route

21. The project of systematically interviewing or re-interviewing all members of Mr. Hariri's security staff, including the surviving members of his convoy, those managing his security and those in his immediate personal staff, has been largely completed. The Commission has established to its satisfaction the convoy's route; the exact timing of its progress; stop and start times; timing and knowledge of route selection; the use of one or more identical armoured Mercedes Benz S600 vehicles in the convoy both on the day of the attack and before; patterns of operational activity demonstrating when the route along the St. George Hotel was previously selected; and the use of electronic countermeasures.

22. Certain individuals interviewed by the Commission have emphasized that government security arrangements for Mr. Hariri had been reduced, in terms of his security detail and convoy facilities, in the period following his resignation as Prime Minister of Lebanon. The impact of that is being evaluated by the Commission, both in the political context and from an operational perspective.

23. The Commission is examining information and developing investigative hypotheses that Mr. Hariri was the subject of earlier operational activity by the alleged bombing team, including surveillance of him and his convoy and reconnaissance of various locations. The Commission also has information indicating that a number of opportunities may have arisen to deliver the attack on Mr. Hariri but were not acted upon by that team for reasons as yet to be fully understood by the Commission.

24. For example, the Commission has received information that earlier movements of Mr. Hariri during February 2005 may have been responded to by the alleged bombing team either as a rehearsal for the attack on 14 February or indeed as an attempt to kill him. This aspect of the investigation is an important component in understanding the capabilities, operational support mechanisms and intent of the alleged bombing team, as well as in providing indications of the timing of the decision to kill Mr. Hariri. Because of this alleged earlier activity, further investigative leads have become available beyond those offered by the attack of 14 February 2005 alone.

25. It is apparent that the operational methodologies and associated mechanisms relating to the security panoply of Mr. Hariri during the period since he had ceased to be Prime Minister created a number of vulnerabilities, which enabled the attack on him to be perpetrated more easily than it would otherwise have been. For instance, the time of day the convoy needed to depart from Parliament to return to Hariri's residence meant that only one obvious route option was available to return Hariri in a timely manner for his next appointment.

26. Similarly, a working hypothesis is that the alleged bombing team knew that electronic countermeasures may have been a factor in protecting the convoy and

Hariri. They therefore may have chosen a method of attack that rendered the use of such countermeasures and their technical capability, deterrent effect and operational capacity on the day in question irrelevant to their plan.

27. It may also be a contributing factor to the successful execution of the crime that the position of Hariri's vehicle within the convoy was regular and largely predictable over a period of months leading up to the actual attack, and that Hariri chose to drive his vehicle himself. The Commission is aware that this was not an unusual practice by Hariri, and it may have enabled him to be more easily identified and pinpointed than he would have otherwise been. The Commission continues to investigate the relevance of this particular aspect of the crime.

28. Other relevant issues have been clarified to the satisfaction of the Commission. For example, a vehicle alleged to have been following the convoy as it left a local café and the vicinity of Parliament has been discounted from its current working hypotheses as most likely not relevant. Similarly, the supposed deliberate delay in the final leg of the convoy's route caused by a combination of vehicles and traffic lights is not deemed relevant, as the interviews of convoy personnel did not elicit such evidence. Additionally, the likely modus operandi of the alleged bombing team did not demand such a complex and precise action within their overall plan.

29. The Commission believes the plan was sufficiently professional in its compilation and flexible in its execution that the exact timing of the convoy's movement towards St. George Hotel was not critical, and that the success of the operation was not conditional upon precise movements of the vehicles. This is exemplified by the relatively unpredictable nature of Hariri's actions once he left Parliament and crossed the road to visit the café, instead of departing in his convoy immediately.

30. This spontaneous pause lasted approximately 15 minutes and could not have been predicted by the alleged bombing team. The communications traffic between alleged members of that team went silent during that period, and resumed only after Mr. Hariri had left the café and departed on the route back to his residence. Thus, the plan of the alleged bombing team coped with such latitude in the time taken by Mr. Hariri to commence the return to his residence, and the team was still able to execute the plan.

Crime scene witnesses

31. A series of systematic interviews and re-interviews of over 25 crime scene witnesses has been largely completed. The Commission is now satisfied with a number of previously unclear issues; for example, the exact movements and positioning of the Mitsubishi van at the final stages of the operation, and establishing a commonality of understanding of the events at the time of the explosion, including whether two sounds were heard.

32. Blast-scaling explosion experiments have been conducted to collect data regarding the possibility of one or two explosions, above or under the ground. The objectives were to visualize the fireball, assess the effects on structures, estimate the behaviour of high velocity fragments, estimate the size and features of the crater, and register the shock pressures and record sound pressures with microphones at different distances, combining incident and reflected waves from any reflecting surface. Numerical simulations will enable the Commission to establish if the

location and situation of each witness at the time of the explosion is consistent with their likelihood of hearing one or two sounds at the moment and immediately after the explosion. One final phase of interviewing is necessary to conclude this aspect of the investigation, in which the noise recordings of blast or sound wave experiments, conducted in part to identify the aural properties of the blast relative to the location of each witness at the scene, will be replayed to each witness. Subject to those findings, at this stage, the Commission's favoured hypothesis is that there was only one blast, and that the phenomenon of two sounds being heard by a number of witnesses can be scientifically explained.

Rafik Hariri timeline

33. The Commission has expanded its investigations into the last days of Mr. Hariri's life, and has extended the period of scrutiny backwards in time. Important information is emerging through the interviews to date of 15 individuals associated in some context with Hariri over the months prior to his murder. Such people include those with influence in Lebanon and in the broader region, those who worked and managed his personal and professional affairs, visitors to his residence in Beirut and other residences, staff in the residences, and those with whom he had business or political relations.

34. The Commission is reconstructing Mr. Hariri's life in the period leading up to his assassination from a number of different perspectives, including examining his political situation and his relationships domestically and internationally, his meetings with his associates and other prominent individuals, his movements inside and outside Lebanon, his private and personal discussions with friends, his expressed opinions, thoughts and moods as perceived by others, his business affairs, including the management of his media interests and media portrayal of his interests and activities, relevant financial matters as they affected his political position, professional relationships and private arrangements, and his personal movements both within and outside his residence.

35. It is apparent that there are converging business, political, economic, and personal factors that provide the context of Hariri's life during this period. When these themes are integrated into a heightened threat environment and matched against alleged operational activities of the bombing team, they create a picture of Hariri's last weeks seen from a number of perspectives. Similarly, these themes are being developed by the Commission in order to understand if any or all of them led to conditions that prompted the decision to assassinate him. This area of the Commission's work will continue to develop and expand with further interviews and the collection of information planned throughout the next reporting period.

New and ongoing investigation leads

36. The Commission has identified a considerable number of new leads for investigation relating to the crime scene, its vicinity and the immediate perpetration of the crime, and has begun investigative and analytical work on each one of them. The topics include the investigation of the circumstances surrounding particular individuals and vehicles at the crime scene before, during and in the immediate aftermath of the explosion, other associated items after the explosion and the examination of allegations of tampering with the crime scene following the explosion.

37. These investigation leads arise from analysis of existing information and from the collection of new information, and vary in their relevance and their magnitude; however, they all require considerable development. The Commission anticipates that once completed, further information arising from the crime itself and the immediate environs will provide additional links towards those who perpetrated the crime.

38. The Commission also continues its investigations into other key aspects of the case, including the acquisition of the Mitsubishi van, the acquisition of the explosives and the preparation of the van as the carrier of the device, and the identity and manner of participation of the individual initiating the detonation of the IED, either from within or close to the front of the Mitsubishi van.

2. Individuals involved in the commission of the crime

Communications analysis and investigation

39. The Commission has devoted considerable resources to the analysis and investigation of the communications traffic aspects of the case. This topic has yielded important results, and enables the Commission to establish links that otherwise would not be evident. Much of the work is reactive in nature. However, some of the analytical work is also proactive and speculative, and builds upon known facts and develops investigation themes. It has elicited a number of leads and continues to provide the Commission with better understanding of the communications linkages relevant to the crimes.

40. The links that are being established through the communications work demonstrate a complex network of telecommunications traffic between a large number of relevant individuals, sometimes through intermediary telephone numbers or locations and sometimes directly. A series of investigation leads has been developed as a result of these analyses, which the Commission regards as a priority. Much painstaking work is required to track down each individual connection or link and exempt it from the enquiries or continue with it as a working lead. Similarly, the Commission understands better the preparatory aspects of the attack through its communications analysis; this work remains ongoing in conjunction with timeline analyses, and is one of a number of areas where comparative analysis with the 14 other cases is being pursued. For example, knowledge of the activities of the six subscriber identity module (SIM) card holders who are alleged to have been part of the bombing team, both geographically and in communications terms, has become clearer and more detailed.

41. The Commission has also developed direct and indirect linkages between significant individuals in disparate groups that are relevant from an investigative perspective. Explanations for these linkages are in some cases not immediately apparent, and the Commission is working to understand their relevance to the crime itself, to those potentially linked to it and to other individuals.

42. The international dimension of the communications analysis continues to provide investigative leads, as the Commission develops its knowledge of the complexities of international call routing and receives responses to its requests from States where telephone call traffic has been traced. To date the Commission has engaged 17 States in this aspect of its work, and has received considerable assistance and responses from a number of them.

43. The relevant communications links emanating from within Lebanon or outside the country of those individuals whom the Commission wishes to interview and/or continues to investigate are being systematically reviewed, and the results are providing further investigative leads.

44. The Commission also continues to examine local, regional and international linkages between numbers associated with Ahmed Abu Adass and other individuals, a number of which are of specific interest. The Commission continues to analyse telephone traffic activity emanating from those numbers alleged to have been used by those allegedly involved in the attack on the day of 14 February 2005.

Ahmed Abu Adass and associated aspects

45. Following extensive investigative steps and analysis of electronic data, documents, artefacts and other items, the emerging profile of Ahmed Abu Adass and his activities is becoming clearer. His profile is distinct in that he seemingly had more academic and intellectual interests and less technical orientation than that associated with members of terrorist groups engaged in the operational aspects of terrorist activities, at least in Lebanon.

46. The Commission continues its examination in detail of every aspect of Ahmed Abu Adass's involvement in the crime, including the validity of the claim of responsibility he delivered in the videotaped message. It continues to work along two investigative tracks, one being that he was a willing participant in the crime, and the other that he was coerced into delivering the message. Either avenue remains a factual possibility at present, and further investigations are ongoing to ascertain the correct hypothesis.

47. The Commission is investigating the events surrounding the delivery of the tape and note to a location in downtown Beirut, and the five associated telephone calls to *Reuters* and *Al Jazeera* following the attack. Two of the calls claimed responsibility for the attack and three were related to the tape and the note that were provided.

48. General forensic analysis, DNA and fingerprint research, media forensic analysis and document examinations of the tape in which Ahmed Abu Adass claims responsibility for the attack, on other associated items and on the physical modalities of delivering the message have been completed. thirty-two identifiable fingerprints, three palm prints and three mitochondrial DNA profiles have been collected from the exhibits. The Commission is making comparative analyses of these results with other records, and is evaluating them with a view to conducting further interviews of relevant persons in connection with this aspect of the case and undertaking further comparative forensic analyses.

49. The Commission also maintains its awareness of individuals who have operated in Lebanon and the region in the recent past in a criminal context, and continues to assess their activities for the relevance or otherwise of their possible involvement in the crimes. The Commission is also undertaking further work in relation to the hypothesis of compartmentalization of the crime, as well as on the circumstances regarding the placing of the videotape on which the claim of responsibility by Ahmed Abu Adass was recorded.

Knowledge of the crime

50. The Commission is pursuing leads concerning individuals who apparently had some degree of substantive information in varying degrees of detail about the attack prior to its execution. This investigative theme falls into two categories: those who knew something about the forthcoming attack in some context or another but said or did nothing about it, or were unable to do anything about it; and those who knew something or were informed of some aspect of the attack and somehow tried to deliver a warning to Hariri or a person close to him.

51. Each of the above-mentioned categories is of interest to the Commission. For example it is apparent that a number of individuals from various backgrounds believed that Hariri was likely to be subject to an attack, even more so than in the ordinary context of his status, past professional life, regional dynamics and existing circumstances. There is also information that leads the Commission to believe that certain individuals knew that an attempt on his life was imminent. In this regard, the Commission is undertaking a series of interviews with those whom it believes can assist it in these lines of inquiry.

52. There is evidence to believe that Hariri was aware of a heightened threat against him, and that he himself had discussed that situation at length with a number of individuals, and had factored the unusually elevated threat environment into his thinking, approach, activities and movements over the last few weeks of his life. The Commission has been collecting evidence on this topic. It is an important aspect of its work, as it assists in understanding the extreme nature of the crime.

The political, military, police and intelligence environment of Lebanon

53. The Commission continues to conduct a number of interviews and re-interviews of representatives or former representatives of the Syrian and Lebanese Government structures. This work will remain ongoing throughout the next reporting period, and remains of key importance in understanding the political structure and security environment that existed in Lebanon at the time of the attack. This work is augmented by additional interviews and the collection of information from persons of influence and other individuals of relevance in Lebanon and the region, to obtain the required knowledge of different perspectives of the systems that were in place at the time and better understand the contextual environment in which the attacks took place.

3. Persons who commissioned the crime

Motives for the attack

54. The Commission continues to investigate both the possibility that a single group, with a singular intent and capacity, committed the crime, or that a well-defined or disparate collection of individuals or groups joined together with differing motives and intentions to commit the same crime.

55. The Commission has identified several different potential motivations, not necessarily mutually exclusive, that may have led to the decision to carry out the assassination of Hariri, and it remains seized of the possibility that there may be more theories to consider. Some of these motives may be similar to those of other attacks the Commission is investigating in Lebanon. Such motives are apparently of

varying levels of international, regional and national relevance, and relate to political, economic, financial and business matters.

56. The Commission is, for example, establishing to an evidential standard information on the political environment that surrounded Mr. Hariri at the time of and prior to his assassination, such as the introduction of Security Council resolution 1559 (2004), the issues surrounding the then forthcoming national elections in Lebanon, relations with other States in the region, the Al Madina Bank affairs, business and media factors, and his personal relations with political actors and other relevant individuals at all levels. As stated before, the Commission appreciates the possibility that there may have been more than one motivating reason for perpetrating the crime. This area of the Commission's work is to be further developed in the next reporting period, and a number of investigative steps will be undertaken, including the conducting of a considerable number of interviews in Lebanon, the region and internationally, and the analysis of documents and other information currently in the possession of the Commission and of future anticipated data.

B. Technical assistance in the other cases

57. In line with its mandate as expanded on 15 June 2006 by the Security Council in its resolution 1686 (2006), the Commission has extended further its technical assistance to the Lebanese authorities in the 14 cases discussed in its last report. The Commission dedicated a multidisciplinary project team to this task comprising legal, investigative, analytical, forensic and communications expertise, which continues to work closely with the Prosecutor General of Lebanon.

58. In the previous report, the Commission stated that it had created analytical files for each of the 14 cases, based upon the existing information available during that period. During this last reporting phase, the Commission translated over 1,000 pages of documents relevant to the cases, and developed the case files for each case by adding to the existing information previously collected. This work remains ongoing, with over 3,000 further pages to be translated. The Commission will develop further its support mechanisms with the Prosecutor General of Lebanon and the relevant investigating magistrates during the next reporting period.

59. The Commission has also focused its technical assistance on three specific areas for each case. The first area is the support of forensic investigation and analysis for each case. The second is communications research, where horizontal analysis of each attack and the associated communications traffic is being undertaken. The third is the conduct of interviews, where the subjects chosen for interview can provide individual case depth of knowledge and potentially also horizontal multiple case commonalities, including the necessary development of potential factual and evidential themes relating to the Hariri case.

1. Forensic analysis

60. The Commission continues to review in detail the forensic evidence available concerning the cases, and recognizes the varied levels of detail in each individual case. It is preparing to implement a plan designed to maximize the forensic investigation possibilities, which will be discussed with the Prosecutor General of Lebanon and the investigative magistrates. Upon agreement, the Commission will begin with a collection phase designed to augment the forensic acquisition of data

for each case. It is the intention to arrive at the best possible level of forensic information that can be acquired at this stage of each of the cases, given that all 14 of the attacks occurred between nine months and almost two years ago.

61. As this work progresses, the objectives will be to enhance each case where possible, and to seek forensic evidence linking the cases. Thus, the work with the forensic laboratory of the Lebanese Internal Security Forces performed earlier in the year to evaluate the scientific results will be finalized by the analysis of the crime scene management of each case. This will be undertaken through meetings and interviews with the first responders at each scene of the crime.

62. The Commission is currently studying all the pictures and images of the sites where the explosions occurred, comparing them with the results obtained from the explosions experiments conducted, to enable it to establish, if possible, the nature of the IED used and its probable location for each case. This forensic comparative analysis will be augmented by the comparative seismological analysis of the records of the signals recorded by the National Center of Geophysics in Lebanon. Also, the forensic evidence found in these cases is being compared with that of the Hariri case, for instance by using common fingerprints and DNA databases to establish horizontal forensic linkages.

2. Communications

63. The Commission has assembled millions of telephone call records and separated those of interest that span a selected time period surrounding each of the 14 attacks. The objective of this project is to lift from the vast amount of communications traffic occurring in Beirut during the period of the attacks those numbers that have commonality between the attacks and links to other potentially relevant numbers.

64. For example, from the perspective of mobile telephone communications traffic alone, one individual using multiple numbers has been preliminarily linked in a broad geographic context and within a specific common temporal period to a number of the attacks. Four other people have been linked to this person in some of those attacks. The Commission will continue such analytical work and assist the Prosecutor General of Lebanon by investigating the links, conducting appropriate interviews and developing further leads for follow-up.

3. Interviews

65. Following the expansion of the mandate on 15 June 2006, this aspect of the work began, and the Commission has conducted a number of interviews relevant to the six targeted attacks. These interviews have elicited information and evidence of considerable significance, and have provided many leads that require follow-up. In particular, a number of new interviews are being planned to maintain the momentum of this avenue of investigation over the coming reporting period, reinforcing results particularly in the significant area of linkage within the cases.

66. The immediate impact of the interviews undertaken is evident in that a commonality of themes for the investigation is apparent between two or more cases. Links are being developed that relate to the motive and perpetrator aspects of the attacks and, as mentioned in the previous report as a hypothesis, the data being collected provides preliminary information of a "layering" of the motives for these

crimes. At one level, the reason for the attacks may be based on motives associated with each victim individually. At another level, the attacks may fit into a broader scheme of intent. This concept of culpability remains critical to the cases and the commission of the crimes, and is one which the Commission will continue to consider and concentrate on.

67. The Commission has strengthened its preliminary conclusion that the 14 cases were not commissioned and executed by 14 disparate and unconnected persons or groups with an equal number of separate motives, and is developing evidence that links the cases into differing groupings. As such, the Commission is anticipating that further links between the cases may become evident upon further collection of information and evidence.

4. Further assistance

68. As indicated in the previous report, all the cases are at varying stages of their development by the Lebanese authorities. The Commission's primary objective for the 14 cases in the coming reporting period is to expand the quality and the quantity of the information and the evidence for each case, where possible, by providing investigative capacity, coordinating capability, horizontal analysis and technical assistance to the Prosecutor General of Lebanon, and through his office to the respective investigative magistrates.

69. Another objective of the Commission is to work with the Prosecutor General of Lebanon in developing operational interconnectivity between the investigative magistrates in support of the conjoined direction on all cases. The Commission believes there is added value to coordinating the investigative activities of all the cases and scrutinizing them not only individually, but in a number of different ways as a single unified group of 14 cases, or as two or more smaller groups, linked to one another by one or more factors.

III. External cooperation

A. Interaction with the Lebanese authorities

70. The Commission has continued to interact closely with the Lebanese authorities on practical, investigative and legal issues that are relevant to its mandate. A total of 12 new written requests were sent to the Lebanese authorities during the reporting period. The Government of Lebanon, the Prosecutor General and his senior staff, the investigating judges assigned to the cases and the liaison officer appointed by the Internal Security Forces have remained clearly committed to the mandate of the Commission and have supported its efforts throughout the reporting period, despite the tense security situation in Lebanon caused by the recent conflict. The Commission would like to thank them for their support and assistance.

71. The Commissioner met twice with the Prime Minister of Lebanon and held regular meetings with the Minister of Justice and the Prosecutor General during the reporting period. Technical working-level interaction also continued, even after the Commission's temporary relocation outside of Lebanon. As part of the Commission's provision of technical assistance to the Lebanese authorities, meetings were also held with the civilian and military judges and investigating

judges in charge of the different cases to discuss the progress of each case, their possible links to one another and all other matters related to the provision of technical assistance.

72. The Commission has continued to share with the competent Lebanese authorities all relevant documentary, testimonial and physical information obtained in the course of its investigations, with the exception of information that could compromise the safety of a witness or the national security interests of a State. Even in such cases, the substance of the information is communicated to the Lebanese authorities in a manner that does not compromise the interest of the witness or the State.

73. The Commission also continues regularly to provide the Lebanese judicial authorities with information, interviews and documentation relevant to those detained, to enable them to take any steps they deem appropriate or necessary. In this connection, the Commission is finalizing the conduct of interviews and the review of extensive documentation in order to assess the credibility of witnesses in the Hariri case. The Commission will continue to regularly provide the Prosecutor General of Lebanon with any information in relation to this matter.

74. The Commission remains available to provide further technical assistance in relation to any other incident or case within the scope of its expanded mandate, should the Lebanese authorities so request.

B. International cooperation

75. The Security Council, in its resolutions 1636 (2005) and 1644 (2005), adopted under Chapter VII of the Charter of the United Nations, reiterated its call upon all States to cooperate with the Commission. Unlike situations involving mutual legal assistance, where each State can negotiate a framework for cooperation on criminal matters, States are required to cooperate with the Commission and to take any steps necessary under their own law to implement their obligations under the above-mentioned resolutions.

76. Acting on that basis, the Commission has continued to request the cooperation of States in technical, judicial and legal matters relevant to the fulfilment of its mandate. Specifically during the reporting period, the Commission submitted a total of 28 separate requests to different States and international organizations seeking to obtain information and documents, facilitate witness interviews, and provide technical assistance and expertise.

77. As it has done in previous reports, the Commission requests that States contact the Commission if they possess or have access to any information that may be relevant to the Hariri investigation or the Commission's other cases. The Commission welcomes any information from States that would advance the investigation, whether it is directly linked to the assassination of Mr. Hariri, the other attacks being investigated, or the general political and security situation prevailing in Lebanon at the time of the attacks. At this stage of its investigation, the Commission would also find it very useful to receive assistance from States in such matters as interviews with diplomatic representatives and the provision of further technical intelligence and imagery products.

1. Cooperation with the Syrian Arab Republic

78. The Syrian Arab Republic is required to cooperate fully with the Commission, as specifically mandated by the Security Council in its resolutions 1636 (2005) and 1644 (2005), adopted under Chapter VII of the Charter of the United Nations. Pursuant to the common understanding reached between the Commission and the Syrian Arab Republic earlier in the year, the cooperation of the Syrian Arab Republic with the Commission has continued to be timely and efficient.

79. During the reporting period, the Commission submitted 11 formal requests for assistance to the Syrian Arab Republic, seeking information and documentation about certain individuals and groups as well as statements obtained from persons in the course of investigations conducted by Syrian authorities. Working meetings were held with Syrian officials, and extended discussions took place as a result of requests to meet with persons with knowledge of particular topics of relevance to the Commission's work.

80. Documentation was also provided by the Syrian Arab Republic relating to experiments conducted concerning the properties and impacts of various controlled explosions, and follow-up meetings have taken place with experts of the Commission and the Syrian Arab Republic to discuss those experiments. Further information has been received recently concerning this topic, and is currently being evaluated and researched by the Commission.

81. In addition, the Commission requested the Syrian Arab Republic to assist in the facilitation of witness interviews in the Syrian Arab Republic. During the reporting period, the Commission conducted a number of missions to the Syrian Arab Republic, during which 11 interviews were carried out, including of Syrian Government officials. The interviews were arranged by the Syrian authorities in accordance with the requests of the Commission, and the Commission is satisfied with the speed with which that was done, as well as with the logistical and security arrangements for those interviews. In terms of the qualitative cooperation of Syrian officials being interviewed, the Commission continues to closely monitor the depth and validity of responses provided, and finds it necessary to undertake corroborative interviews. This aspect of cooperation is driven by the individual responses of each person being interviewed on a topic-by-topic basis, and the Commission has found the level of cooperation to be variable.

82. The level of assistance provided by the Syrian Arab Republic during the reporting period remained generally satisfactory, with the Syrian Arab Republic responding to the requests of the Commission in a timely manner. The Commission will continue to insist on the Syrian Arab Republic's full cooperation, which remains crucial to the swift and successful completion of its work.

2. Cooperation with other States

83. The Commission continues to require the expeditious assistance and full support of States on technical, legal and judicial matters relevant to the investigation. During the reporting period, there were a number of requests for assistance submitted to States and international organizations, and a number of follow-up letters. Since 15 June 2006, a total of 16 new formal requests for assistance have been sent to nine States, in addition to the requests for assistance

addressed to the Syrian Arab Republic and the regular interactions with the Lebanese authorities.

84. As in previous reporting periods, most States responded in a positive and prompt manner to the requests of the Commission, and have supported its work, including by providing forensic technical assistance, technological support, tracking and analysis of telephone communications, and facilitating witness interviews. In the light of the importance of the cooperation of States for the furtherance of the investigations without delay, the Commission trusts that it will enjoy the full and prompt cooperation of all States during the next reporting period.

IV. Organizational support

A. Internal procedure

85. The Commission continues to adopt and streamline its internal procedures, in accordance with Security Council resolution 1595 (2005) and in view of the possible establishment of a tribunal of an international character. These internal procedures are based on relevant international standards, but also take into account Lebanese law and judicial procedures, and the practice of the Commission since its establishment.

86. The Commission is also consulting with States about further support that can be given to enable it to offer a range of protective measures to witnesses and sensitive sources.

87. Further to Security Council resolution 1686 (2006), in which the Council expresses its support for the Commission's intention to provide further technical assistance to the Lebanese authorities in relation to the other cases, the Commission has also been reviewing its procedures. The Commission investigators have conducted interviews pertaining to those investigations, without the presence of representatives of the Lebanese judiciary, using the Commission's own standards and procedures to conduct the interviews. The Commission notes that there are certain differences between the standards and procedures for conducting interviews under Lebanese law and those that arise under international law. On one hand, the Commission considers that it should respect all due international standards. On the other hand, it is aware of the responsibility to ensure that the testimonial, forensic or other evidence that it collects during the course of its work on all the cases shall be admissible before any Lebanese court in which any accused persons may ultimately be tried.

B. Temporary relocation in Cyprus

88. The reporting period was marked by the rapidly deteriorating security situation in Lebanon, which ultimately resulted in the temporary relocation of all international staff of the Commission to Cyprus. As the general security environment in Lebanon deteriorated significantly beginning on 12 July 2006, the Commission commenced business continuity planning for a possible emergency situation affecting the main operating base or for partial or full relocation of its international staff. Meetings were held with the Prosecutor General of Lebanon to

discuss plans to preserve case materials, including evidence, documents, electronic files, exhibits, artefacts and legal materials in the Commission's possession, notably those collected at the crime scene. Following a change in the security phase level for Lebanon from phase three to phase four, all international staff were required to leave Lebanon in accordance with United Nations security regulations. On 21 July 2006, the Commissioner informed the Prime Minister of Lebanon of the temporary relocation of all international staff, who departed that day to continue activities from Cyprus.

89. While the events in Lebanon and the relocation to Cyprus undoubtedly affected the operations and productivity of the Commission during the reporting period, that impact has been kept to a minimum, thanks notably to the generous assistance of the United Nations Development Programme and the United Nations Peacekeeping Force in Cyprus in ensuring that the Commission could make use of temporary office accommodations immediately upon its arrival. The Lebanese and Cypriot authorities, the United Nations Interim Force in Lebanon, the Economic and Social Commission for Western Asia, and the relevant departments at United Nations Headquarters, supported the Commission throughout the process of evacuation and relocation. The Commission also wishes to acknowledge the very helpful support provided by certain States in facilitating regular missions for Commission personnel back to Lebanon to carry out investigative activities, including interviews.

C. Systems management

90. During the reporting period, significant advances have been made in the area of information management, where a new investigations and analysis information system incorporating state-of-the-art analytical tools has been designed and implemented. This system will further increase the ability of the Commission to analyse and exploit its information and evidence holdings. In addition to this system, a number of other ancillary information systems have been enhanced, finalized and introduced. Further standard operating procedures and workflows have been developed to assist and guide staff in information acquisition practices and document management.

D. Administration

1. Recruitment

91. The rapid strengthening of the Commission's institutional capacity continued to be one of the key tasks of the Commission during the reporting period. The recruitment of competent personnel within appropriate timescales remained a significant challenge for the Commission and delays in the recruitment process impacted the Commission's ability to fulfil its mandate in a timely manner.

92. While vacancy rates decreased in the previous reporting period, they went up during the current reporting period, owing to an increase in the number of posts approved in June 2006 and the disruption to the recruitment process caused by the conflict in Lebanon.

93. An assessment of candidates put forward by States and international agencies is in progress. It is therefore anticipated that the vacancy rates will again continue to decline steadily as more candidatures are received, reviewed and recruited. The Commission is grateful for the positive responses received so far from States and international institutions, and would like to emphasize the need for their continued assistance in making qualified and skilled human resources available to the Commission on a regular basis to ensure continued stability and progress.

2. Budget

94. The Commission recently submitted a new budget for the year 2007. The budget proposal, submitted in August 2006, makes provision for 188 international staff, reflecting a small increase of 13 international staff. The increase comprises five investigations personnel for the technical assistance cases, one additional security officer and seven administrative posts.

E. Security

95. The security of the Commission staff, premises and assets continues to be a priority. The deterioration of the general security environment in Lebanon and the wider region during the reporting period has worsened the situation, while the focus of the investigation increases the probability of individuals or groups attempting to execute threats against the Commission or its personnel for the purpose of disrupting its mandate. The primary focus of security operations is therefore to enable the continuation of the mandate of the Commission by ensuring maximum security for all personnel, facilities and assets.

96. The Commission's security operations team, in coordination with the Lebanese Armed Forces and Internal Security Forces, coordinated a safe and secure relocation of the international staff of the Commission and essential investigation materials from Beirut to Cyprus, while maintaining security of the Commission's main operating base in Beirut. The Commission's security team continues to review and update the threat and risk assessments relating to the Commission to ensure that all critical aspects of security are consistent with security standards. As required, standard operating procedures and contingency plans are developed or adjusted on the basis of the current threat and risk analysis.

F. Supplemental memorandum of understanding

97. The negotiations with the Government of Lebanon regarding the terms of a supplemental memorandum of understanding to supplement and modify the original memorandum of 13 June 2005 were put on hold when the Commission temporarily relocated to Cyprus. They are expected to resume and conclude soon. The draft supplemental memorandum of understanding, which has been prepared in consultation with the Office of Legal Affairs of the United Nations Secretariat, addresses such issues as the legal status of the Commission's premises and the privileges and immunities of the Commission and its staff.

V. Conclusions

98. The Commission is grateful for the outstanding support and work undertaken for the benefit and security of Commission personnel and property by the Lebanese authorities, in particular the Armed Forces and the Internal Security Forces, especially considering the particularly difficult circumstances that marked the reporting period.

99. In the Hariri investigation, the Commission continues to finalize its primary crime scene work, including its forensic research and analysis, and it is satisfied that it has largely established the facts to an evidential standard. The crime scene and associated elements now are providing investigative leads of a secondary nature, as the Commission delves deeper into some of the issues that have arisen from its work on these topics.

100. The Commission will continue to develop its understanding of linkage to the perpetrators at all levels in the Hariri investigation. In the coming reporting period, the Commission's strategic objectives are to undertake approximately 50 key linkage-related interviews; collect and analyse a large amount of already identified electronic data, technical intelligence and documentation; develop its communications, horizontal and vertical linkages between all the cases; continue with its forensic programme; and develop further sensitive sources.

101. The Commission's work in relation to the 14 other cases helps place the attacks into the prevailing context at the time, and is beginning to produce links notably in identifying potential conjoining motives. Establishing the depth, breadth and nature of those links to an evidential standard is an investigation priority over the next months.

102. As the investigation narrows its focus methodologically and refines its working hypotheses, progress will be accelerated from the development of further witnesses with inside knowledge of the crime and its associated elements. The Commission is putting in place witness protection mechanisms in order to allow more individuals with the appropriate knowledge to step forward and assist it in this sensitive area of its work.

103. The Commission emphasizes the importance of international support from States for its work. This is crucial in order for the Commission to maintain its progress and ensure the completeness of its work, and is exemplified by the 72 requests for assistance that have been sent to States and entities in the last six months. The Commission looks forward to receiving further support and interaction with States as it continues its progress in its investigations.

104. The above-mentioned strategic objectives are contingent on the Commission's operational support systems being able to function at the same operational tempo as its investigation activities. This is especially important in the recruitment of personnel, where the Commission will work with the broader United Nations system to ensure that employment timescales match the current operational demands.

105. Noting the progress made towards the establishment of a tribunal of an international character, and given its current mandate regarding the provision of assistance to the Prosecutor General of Lebanon, the Commission will ultimately hand over responsibilities to a prosecutor's office in either case. By applying the principles of objectivity and balance and by respecting international legal standards in its working methods, the Commission aims to provide the best possible platform for either office to continue the work.